

# DOMESTIC BUILDING INSURANCE CLAIM FORM

## Important information

**Please read this page first.**

### Making a claim

To help us process your claim quickly and accurately, please ensure that you:

- Answer all questions honestly.
- Tell us everything that you know about the claim.
- Cooperate with any investigations or enquiries we need to make. This includes giving us our nominated builder and your builder access to inspect, rectify or complete the work (unless you have reasonable grounds to refuse access).
- Do not make any admissions, offer, promise or payment in connection with the claim.
- Keep us informed about any information that changes after you have submitted this claim.

### When to use this claim form

This claim form should be used by homeowners when the builder has died, disappeared or is insolvent or, for Certificates of Insurance issued on or after 1 July 2015, where the builder fails to comply with a Tribunal or Court Order.



**NOTE:** If the domestic building insurance policy was issued before **31 May 2010**, the VMIA will NOT be the insurer and you will not be able to use this form. Please visit our website for information about how to identify who the insurer is, [www.dbi.vmia.vic.gov.au](http://www.dbi.vmia.vic.gov.au)

### Recovery from others

If we pay a claim, we are entitled to be subrogated to your rights (that is, your rights to claim against another party will be transferred to us) to recover against any other party (including your builder, contractor, kit home supplier, or liquidator or administrator of their estate) for the amount paid by us.

You must not limit or exclude your rights against a party from whom you might otherwise be able to recover in respect of your loss or damage. If you do, our liability to you is reduced to the extent that we can no longer recover from that other party as a result of your actions.

## How to lodge this claim

Please post or email the completed, signed form together with copies of all documents to:

✉ **Post: VMIA  
Domestic Building Insurance**  
PO Box 18409  
Collins Street East, VIC 8003

@ **Email:** [dbiclaims@vmia.vic.gov.au](mailto:dbiclaims@vmia.vic.gov.au)

☎ **Phone:** 1300 363 424

### Key

These symbols will help you complete the form correctly and provide all the information we need to review your claim as quickly as possible.



#### Attachments

Please attach the information requested



#### Definitions

Please read the definition before completing the section

## Section A: Owner/s

Please complete the following information to help us contact you and manage your claim.

Policy/Certificate of Insurance number

Date issued  /  /

### List all names of owners of property

Owner details (1)  MR  MRS  MS  DR  Other

Last name

First/middle names

or Company name

Owner details (2)  MR  MRS  MS  DR  Other

Last name

First/middle names

or Company name

Owner details (3)  MR  MRS  MS  DR  Other

Last name

First/middle names

or Company name

Postal address

Suburb/Town  Postcode

Contact numbers Preferred phone number

Mobile/Other

Email

Are you registered for GST purposes?  No (go to **Section B**)  Yes

If yes, please provide ABN:

Have you claimed, or are you entitled to claim on input tax credit (ITC) in respect of the GST paid on the insurance policy under which this claim is made?  No (go to **Section B**)  Yes

If yes, % entitlement to an Input Tax Credit  %

## Section B: Address of the domestic building works

Unit No.  Street No.  Type (Rd, St, etc)

Street name

Suburb/town  Postcode

## Section C: About the builder

Please complete the following information about your builder.

Builder name	<input type="text"/>		
Reg no.	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	(Example: DBU1234)	
Address	<input type="text"/>		
Suburb/town	<input type="text"/>	Postcode	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Work number	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
Mobile number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
Home number	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
Email	<input type="text"/>		

## Section D: Builder status

To complete this section you'll need to understand these definitions.

### ? Definitions

**"Insolvent"** means:

- in the case of a sole trader or partnership, insolvent under administration as that expression is defined in the Corporations Act 2001;
- in the case of a company, subject to external administration under the Corporations Act 2001.

**How do I know if my builder is insolvent?**

- If the builder is a company, contact the Australian Securities and Investments Commission on 1300 300 630.
- If the builder is a sole trader or partnership, contact the Australian Financial Security Authority on 1300 364 785.

**"Disappeared"** means cannot be found after due search and inquiry.

**"Tribunal or Court Order"** means:

Any order in favour of you, other than an interim order made by the Tribunal or a court of competent jurisdiction following a hearing on the merits where the Tribunal or Court has made a finding:

- that the **builder** or **speculative builder** is responsible for:
  - loss or damage resulting from non-completion of the **work**;
  - loss or damage arising from **work** that is **defective**;
  - loss or damage resulting from conduct of the builder or speculative builder in respect of the **work** that contravenes a **Trade Practices Act Provision** (but only for the cost of rectifying the **work**);
  - the cost to **you** of alternative accommodation, removal and storage costs reasonably and necessarily incurred subsequent to and as a result of an event referred to in subclauses (a), (b) or (c);
  - your** loss of a deposit or progress payment (or part of it) under the **building contract** due to an event referred to in subclauses (a), (b) or (c);
- as to the amount of the loss or damage suffered by **you** as a result of the events mentioned in (1).

**Tribunal** or **Court Order** does not include any order made by the **Tribunal** or a court of competent jurisdiction as a consequence of any default by the **builder** or **speculative builder** of provisions contained in terms of settlement or any agreement between you and the **builder** or **speculative builder** or any order made by the **Tribunal** or a court of competent jurisdiction which is an interim order or an order made without a hearing on the merits.

## Section D: Builder status Continued

Please indicate the current status of your builder to help us in determining how the policy is applied.  
What is your understanding of your builder's current status?

Deceased  OR Insolvent  OR Disappeared



When did you become aware?   /   /

If applicable, how and when did you advise the builder of these defects prior to the builder becoming deceased/insolvent/disappeared?

### **OR** Builder has failed to comply with a Tribunal or Court Order



**ⓘ This option can only be selected for Certificates of Insurance issued after 1 July 2015.**

What is the name of the Tribunal or Court which made the order and the proceeding number?

Name of Tribunal or Court:

Proceeding number:

What date was the order made?   /   /

What steps/action have you taken to have the builder comply with the order?  
Please provide details of any payments made by the builder to you in relation to the order.



Attach a copy of the order and reasons for decision.

Have either you or the builder or any other party to the proceeding sought to appeal the orders made?

No

Yes

If "Yes", please provide details of the appeal and the outcome of any appeal.



Attach a copy of any orders and reasons made on appeal.



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## Type of Claim

Please tell us if your claim is for: (please tick ONE box)

**Incomplete works** – please complete **Sections F and H**

(Note: If there are noticeable defects in the work completed, please also select **Defective works**.)

**Defective works** – please complete **Sections G and H**

**Incomplete AND defective works** – please complete **Sections F, G and H**

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## Section F: Incomplete building works

Have the building works started?

No

Yes (When  /  / )

When was the builder last on site?  /  /

[Continue to Section G](#)

## Section G: General claim information – Defects



**“Completion date”** means:

- (a) the date of issue of the occupancy permit in respect of the building (whether or not the occupancy permit is subsequently cancelled or varied); or
- (b) if an occupancy permit is not issued, the date of issue under Part 4 of the Building Act 1993 of the certificate of final inspection of the building work; or
- (c) if neither an occupancy permit nor a certificate of final inspection is issued or required to be issued, the date of practical completion of the domestic building work.



**Please provide a copy of the Occupancy Permit or a Certificate of Final Inspection**

When were the building works completed by the builder?

D	D	/	M	M	/	Y	Y	Y	Y
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When was the Occupancy Permit / Certificate of Final Inspection issued?

D	D	/	M	M	/	Y	Y	Y	Y
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Have any complaints previously been made or claims lodged by you or a previous owner in relation to the works undertaken by the builder?

<input type="checkbox"/>	No	<input type="checkbox"/>	Yes
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Claim number/s

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Are you aware of any past or current tribunal, court or legal action concerning the property?

<input type="checkbox"/>	No	<input type="checkbox"/>	Yes
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If “Yes”, please provide a brief explanation.

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Are you related to the builder and/or developer listed in the building contract?

<input type="checkbox"/>	No	<input type="checkbox"/>	Yes
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If “Yes”, please explain your relationship.

(For example, as an associated company, director/shareholder of the company, etc)

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### Section G (ii) - Subsequent Owner

**Only complete if you are the subsequent owner of the property**



Did you obtain a pre-purchase inspection report? If “Yes”, please attach a copy.

<input type="checkbox"/>	No	<input type="checkbox"/>	Yes
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Were any of the defects being claimed known by you prior to purchasing the property?

<input type="checkbox"/>	No	<input type="checkbox"/>	Yes
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If “Yes”, what action did you take to have the items rectified by the vendor?

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Did you receive a reduction in the purchase price due to the items identified?

<input type="checkbox"/>	No	<input type="checkbox"/>	Yes
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If “Yes”, please explain below.

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## Section I: Declaration

**This declaration must be signed by ALL claimants/ALL owners of the property.**

I/We:

- Confirm and declare that to the best of my/our knowledge and belief the information in this form is true and correct and I/we have not withheld any relevant information.
- Acknowledge that the VMIA has the right to reject any claim.
- Acknowledge that the VMIA may seek additional information from me/us as required to enable the VMIA to assess the claim.
- Confirm that we have not negotiated or settled a claim or incurred any expenses without notifying the VMIA in writing. Please note, this does not include emergency repairs which were carried out immediately in order to prevent further loss.

### Privacy declaration

I/We:

- Consent to the VMIA using personal information I/we have provided on this form for the purpose of assessing entitlements under the policy. I/we understand that if I/we choose not to provide the required details, this is my/our choice and that the VMIA may not be able to assess my/our entitlements.
- Consent to the VMIA disclosing to any person that this claim has been made under the DBI Policy for the property and the amount of any indemnity remaining under the DBI Policy.
- Consent to the VMIA disclosing personal and claims information to other insurers and government authorities including the Victorian Building Authority, Consumer Affairs Victoria, the Building Practitioners Board, successors in the title to the property or as required by law.
- Consent to the VMIA also disclosing personal information to and/or collecting additional information from investigators, legal advisers, accountants, actuaries or other advisers whom the VMIA may engage to assist in assessing this claim.
- Consent to VMIA disclosing personal information and other information provided by me/ us in relation to this claim to any person or entity, including but not limited to, the builder, the administrator, trustee in bankruptcy or liquidator of the builder, the relevant building surveyor, the relevant local council, any architect, engineer or other person involved in the design of the works or any sub-contractor engaged by the builder, for the purpose of assessing this claim or for the purposes of assessing a subsequent claim made in relation to the works or for the purpose of seeking recovery for amounts paid or incurred in relation to this claim or for the purpose of assessing the builder's or a person associated with the builder's eligibility for domestic building insurance.

Declared by all claimants/owners of the property:

1. Signed	<input type="text"/>
Date	<input type="text" value="D D"/> / <input type="text" value="M M"/> / <input type="text" value="Y Y Y Y"/>
Please print your name	<input type="text"/>

2. Signed	<input type="text"/>
Date	<input type="text" value="D D"/> / <input type="text" value="M M"/> / <input type="text" value="Y Y Y Y"/>
Please print your name	<input type="text"/>

3. Signed	<input type="text"/>
Date	<input type="text" value="D D"/> / <input type="text" value="M M"/> / <input type="text" value="Y Y Y Y"/>
Please print your name	<input type="text"/>



## CLAIM CHECKLIST

Only provide copies, please do not send your original documents

Before you send in your form, please check that you have included the relevant information listed below. We won't be able to process your claim unless you provide us with this information.

**If you are the ORIGINAL OWNER of the property (that is, you entered into the contract with the builder), please check that you have included:**

- Certificate of Insurance issued to you by the builder. If you don't have a copy, contact the builder, building surveyor or the local council who may be able to give you a copy.
- A full copy of the Building Contract/s.
- Any agreed and documented variations to the building contract/s.
- Building permit.
- Proof that you have paid the builder, including:
  - Receipts.
  - Copies of progress claims/payments.
  - Bank statements.
- Occupancy permit or certificate of final inspection (if issued).
- Building plans and specifications.
- Any building inspection report.
- All correspondence in your possession in relation to the building work between:
  - You and the builder.
  - You and any other person involved in the building work (eg the council, the relevant building surveyor, your architect, engineer or building consultant etc).
  - The builder and any other person involved in the building work.

**If you are the SUBSEQUENT OWNER of the property (that is, you did not enter into the original contract with the builder), please check that you have included:**

- Any of the above documents that are in your possession.
- Contract of Sale.
- Relevant plan of subdivision (if claim lodged by the Owners' Corporation/Body Corporate).
- Any pre-purchase inspection report/s.
- Any correspondence between you and your agent/vendor regarding the property.

**If your claim arises from the failure of the builder to comply with a Tribunal or Court Order, please check that you have included:**

- A copy of the order and the reasons for decision.
- A copy of any orders and reasons made on appeal.

**For ALL claims, please include any other information/documents you think are relevant, such as photographs of the building work, records of conversations with the builder etc. You must also include any Victorian Civil & Administrative Tribunal (VCAT) or court documents (if there have been, or currently are proceedings in relation to the building work in VCAT or a court).**

**See front page for how to lodge your claim.**